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12  
13 BEFORE THE

14 STATE OF CALIFORNIA

15 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

16 In the Matter of:

17 MARCO A. JOKIC a.k.a. JOKIC MARCO

18 ANTONIO d.b.a. FRONTIER TIRE,

19 Registered Waste And Used Tire Hauler;

20 Tire Program ID No.: 1006929

21 Respondent.

ADMINISTRATIVE DECISION FOR  
THE DENIAL OF WASTE AND USED  
TIRE HAULER REGISTRATION

PUBLIC RESOURCES CODE  
SECTION 42960

AGENCY NO. 2007-000029-DEN

22 The California Integrated Waste Management Board (CIWMB) served a  
23 Statement of Issues for the Denial of Waste and Used Tire Hauler Registration  
24 and Request for Hearing form on MARCO A. JOKIC a.k.a. JOKIC MARCO ANTONIO  
25 d.b.a. FRONTIER TIRE (RESPONDENT), on December 13, 2007. RESPONDENT  
26 failed to file a Request for Hearing. The matter shall be determined as a default  
27 pursuant to Public Resources Code (PRC) section 42960(a), 14 California Code of  
28 Regulations (CCR) section 18458, and Government Code section 11505. The CIWMB  
takes action against RESPONDENT based upon evidence and affidavits that may be  
used without any notice to RESPONDENT.

## FACTUAL FINDINGS

1  
2 1. The Administrative Complaint was executed by WENDY BRECKON,  
3 Senior Staff Counsel, CWIMB, acting in her official capacity.

4 2. The CIWMB has authority to regulate and conduct enforcement actions  
5 regarding waste tire haulers within the State of California under PRC sections 42950 et  
6 seq. and attendant regulations contained in Title 14 of the California Code of  
7 Regulations (CCR).

8 3. At all times herein RUTH E. GARCIA was an employee and manager for  
9 RESPONDENT.

10 4. On or before August 7, 2006, RUTH E. GARCIA, an employee and  
11 manager for RESPONDENT, used an unregistered vehicle to transport waste tires to  
12 Angel Tire Company located at 222 Avenida Costa del Sol, San Diego, and then  
13 dumped the waste tires at this location creating an illegal minor waste tire facility.  
14 Inspections documented that 1200 to 1340 waste tires were stored at this location by  
15 RESPONDENT. No manifests had been used to record the pick up or delivery of tires  
16 at Angel Tire Company. Initially, ANGEL LOPEZ, owner of the Angel Tire Company,  
17 allowed RUTH E. GARCIA to use his machine to cut the tires and place the tires in a  
18 container on his site. However, ANGEL LOPEZ repeatedly requested that RUTH E.  
19 GARCIA remove the waste tires. When RESPONDENT failed to removed the waste  
20 tires, ANGEL LOPEZ paid to have the waste tires removed from the site on or between  
21 October 11, 2006 and December 6, 2006. There was no CIWMB minor waste tire  
22 permit issued to this waste tire facility.

23 5. On August 21, 2006, RUTH E. GARCIA, employee of RESPONDENT,  
24 leased property located at to 4455 Twain Avenue #1, San Diego, CA, 92120 from  
25 Dr. MO SHAKOORI, (hereinafter "landlord"), who is also the landlord of the adjacent  
26 property where the business "Drive Cars" is located, 6040 Mission Gorge Road, San  
27 Diego. The landlord was alarmed when RUTH E. GARCIA began storing cut waste  
28 tires, and created an illegal minor waste tire facility and dumped 2400 waste tires on



1 this property. On December 6, 2006, the San Diego Waste Tire inspector provided a  
2 list of registered haulers to the landlord. The landlord then hired another registered  
3 waste and used tire hauler to remove the waste tires or before December 8, 2006. The  
4 Landlord was forced to clean up the site because RESPONDENT failed to remove the  
5 waste tires when requested. CIWMB has not issued a minor waste tire facility permit  
6 issued for this location. RESPONDENT also failed to manifest the waste tires to or  
7 from this location.

8 6. On December 8, 2006, the City of San Diego Waste Tire inspector  
9 inspected RESPONDENT's facility located at 6029 Fairmount Ave., San Diego,  
10 California, and determined that approximately 8,300 waste tires were stored at this  
11 location. RESPONDENT was informed that it is a violation of law to store more than  
12 5,000 waste tires on site without a major waste tire facility permit. A CIWMB inspector  
13 inspected this site on March 12, 2007, and determined that there were approximately  
14 17,260 waste tires stored on site and the Operator had not obtained a Major Waste Tire  
15 Facility Permit as directed. On March 20, 2007, CIWMB issued a Cleanup and  
16 Abatement Order (2007-01950-CAO) for this location. On March 26, 2007, a CIWMB  
17 inspector inspected the site, and determined that all waste tires had been removed.

18 7. RUTH E. GARCIA, employee of RESPONDENT, entered into a lease  
19 from December 13, 2006 to June 13, 2007, of property at 3708 Ocean View Boulevard,  
20 in San Diego. Between on or about December 13, 2006 and May 2, 2007,  
21 RESPONDENT hauled approximately 20,000 whole and cut waste tires to this facility,  
22 creating an illegal major waste tire facility. RESPONDENT also failed to manifest the  
23 waste tires being hauled to or from this location. RUTH E. GARCIA admitted that she  
24 hauled waste tires to this location, and failed to use manifests indicating that the waste  
25 tires had been hauled to or from the 3708 Ocean View Boulevard location. CIWMB has  
26 not issued a major waste tire facility permit for this property.

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## LEGAL CONCLUSIONS

8. CIWMB is denying RESPONDENT's waste tire hauler registration for three years pursuant to PRC section 42960 based on the above-mentioned facts and for the following violations:

a. RESPONDENT violated PRC section 42951(b) by transporting used and waste tires to unauthorized waste tire facilities, and therefore participating in the creation of unpermitted waste tire facilities pursuant to PRC section 42808.

b. RESPONDENT violated PRC section 42832, and the regulations relating to fire prevention measures, vector control measures, and other measures to protect public safety when it created illegal and unpermitted waste tire facilities.

c. RESPONDENT violated PRC section 42961.5 and implementing regulations when RESPONDENT failed to accurately complete waste tire manifests at the time of hauling, and failed to submit accurate manifests to CIWMB within 90 days of hauling of waste or used tires.

9. The CIWMB's authority to deny waste and used tire hauler registrations is set forth in PRC section 42960.

10. No evidence of mitigation, extenuation or rehabilitation is offered.

## ORDER

Good cause appearing, Complainant's motion to take action in accordance with the provisions of Government Code Section 11520, subdivision (a) is granted.

THE FOLLOWING ORDER is hereby made:

1. RESPONDENT'S request to renew his waste and used tire registration is denied for three years.
2. RESPONDENT must use registered waste and used tire haulers to legally haul waste or used tires.



1                                   **RESPONDENT'S RIGHT TO FILE WRITTEN MOTION**

2           Pursuant to Government Code section 11520 (c) RESPONDENT has a right to  
3 serve a motion:

4           Within seven days after service on the respondent of a decision based on  
5 the respondent's default, the respondent may serve a written motion  
6 requesting that the decision be vacated and stating the grounds relied on.  
7 The agency in its discretion may vacate the decision and grant a hearing on  
8 a showing of good cause. As used in this subdivision, good cause includes,  
9 but is not limited to, any of the following: (1) Failure of the person to receive  
10 notice served pursuant to Section 11505. (2) Mistake, inadvertence, surprise,  
11 or excusable neglect.

12           This DECISION shall become effective January 14, 2008.

13           Dated this 14th day of January, 2008.

14                                     
15 Margo Reid Brown  
16 CHAIR  
17 California Integrated Waste  
18 Management Board  
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